

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PETER ALLEN, *et al.*

Plaintiffs,

-vs.-

CARL KOENIGSMANN, *et al.*

Defendants.

**ORDER TO PRODUCE**

**19-cv-8173 (LAP)**

**ECF**

**TO: Michael Damore, Superintendent  
Marcy Correctional Facility  
9000 Old River Road  
Marcy, New York 13403**

**WHEREAS** Matthew Herbert DIN# 19A3325 is a class member in the above-captioned matter;

**WHEREAS** Mr. Herbert is currently in custody at Marcy Correctional Facility in Marcy, New York; and

**WHEREAS** Mr. Herbert's testimony is needed for a trial in the above-captioned matter; and

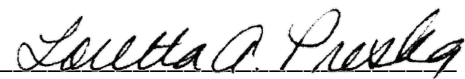
**WHEREAS** Marcy Correctional Facility has already been ordered to reserve the video conferencing equipment for August 9, 2023; and

**NOW THEREFORE, IT IS ORDERED** that the SUPERINTENDENT OF MARCY CORRECTIONAL FACILITY produce Matthew Herbert on August 9, 2023 at 2:00pm until his testimony is complete and/or the day's proceedings have ended; and

**IT IS FURTHER ORDERED** that Mr. Herbert must be allowed to participate in the video proceeding in a privileged and confidential manner; DOCCS personnel must allow him to bring any legal papers Mr. Herbert has been sent by his counsel and he shall be allowed to testify without the presence of any third parties in the room, unless bona fide safety and security issues necessitate the presence of a member of DOCCS' personnel.

Dated: July 24, 2023

So ordered: \_\_\_\_\_

  
LORETTA A. PRESKA, U.S.D.J.